

FILED
IN CLERKS OFFICE
2005 JAN 21 P 1:31
U.S. DISTRICT COURT
OF MASS

UNITED STATES DISTRICT COURT
COMMONWEALTH OF MASSACHUSETTS

| | | |
|----------------------------------|---|-----------------------|
| TRACEY DESROCHERS, |) | C.A. No. 04-10806 RWZ |
| Plaintiff |) | |
| v. |) | |
| DENNIS E. PIENDAK, Town Manager, |) | |
| and LEO GAUDETTE, Fire Chief for |) | |
| the TOWN OF DRACUT, on behalf |) | |
| of the TOWN OF DRACUT, |) | |
| Defendants |) | |
| |) | |

CONSENT JUDGMENT

Now come the parties to the above-captioned case, pursuant to Fed. R. Civ. P. 58, and hereby stipulate, agree and consent that judgment shall enter in the above-captioned action as follows:

- I. The Plaintiff, Tracey Desrochers, will be appointed to the position of "Firefighter/Dispatcher I" on the Town of Dracut Fire Department upon the successful completion of a pre-employment physical examination to be scheduled through the office of the Fire Chief.
- II. The commencement of Plaintiff's employment as "Firefighter/Dispatcher I," and all accompanying pay and benefits, will be upon the entry of this Consent Judgment as an Order of the Court, and upon the successful completion of a pre-employment physical examination, whichever event occurs later in time.
- III. All other terms and conditions of employment that pertain to persons holding the position of "Firefighter/Dispatcher I" will be in full force and effect as to Plaintiff.

IV. The appointment of Plaintiff to the position of "Firefighter/Dispatcher I" is done pursuant to this Consent Judgment, and consistent with the offer of employment memorialized in the correspondence of Town Manager Dennis Piendak dated January 2, 2003 and January 16, 2003, copies of which are attached hereto as **Exhibit A**.

V. Each party shall bear its own costs, including attorney's fees, and there shall be no payment of damages.

VI. All rights of appeal are hereby waived by all parties.

The Plaintiff,
TRACEY DESROCHERS,



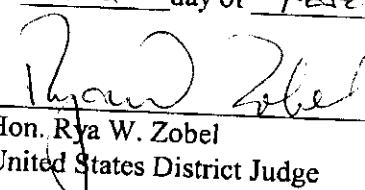
David T. Fulmer, Esq.
596 Main Street
Winchester, MA 02111
BBO #
(781) 721-2111

The Defendant,
TOWN OF DRACUT, DENNIS E.
PIENDAK, Town Manager, and LEO
GAUDETTE, Fire Chief
By their attorneys,
PIERCE, DAVIS & PERRITANO, LLP



John J. Cloherty III, BBO #566522
Ten Winthrop Square
Boston, MA 02110
(617) 350-0950

ENTERED as an ORDER of this Court on this 14th day of March, 2005.



Hon. Rya W. Zobel
United States District Judge